

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of K.K., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GEORGE KELLUM,

Respondent-Appellant.

UNPUBLISHED

August 23, 2002

No. 237548

Oakland Circuit Court

Family Division

LC No. 01-651581-NA

Before: White, P.J., and Neff and Jansen, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating his parental rights to his putative child pursuant to MCL 712A.19b(3)(a)(i), (a)(ii), and (g).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, pp 356-357.

We hold that the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. The identity of the child's father was not established during the course of the proceedings. Both respondent and Beck claimed to be the father; however, neither man took steps to formally establish paternity of the child. Respondent did not attempt to visit or to provide any financial support for the child. Respondent did not have stable housing or employment, and required treatment for substance abuse. The trial court did not clearly err in

¹ The trial court's order also terminated the parental rights of Charles Beck, another man identified as a putative father of K.K. Beck has not appealed the order.

finding that termination of respondent's parental rights was warranted on the grounds that respondent deserted the child, MCL 712A.19b(3)(a)(i) and (ii), and that respondent failed to provide proper care and custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g). The evidence did not show that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

Respondent was not entitled to court-appointed counsel. A respondent in a termination case has the right to court-appointed counsel if he or she is financially unable to retain counsel. MCR 5.915(B)(1). MCR 5.974(B)(2) provides that in a termination case "respondent" includes the father of the child as defined by MCR 5.903(A)(4). Respondent did not establish paternity, and thus could not be considered the father of the child as defined by MCR 5.903(A)(4). See *In re NEGP*, 245 Mich App 126, 134; 626 NW2d 921 (2001).

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen